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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,910

Applicant(s)

AURANEN ET AL.

Examiner

Marcos L. Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments filed 4-18-06 have been fully considered but they are not persuasive.

3. Regarding applicant representative arguments that Chen and Jonsson do not disclose switching reception from said first wireless transmitter directly to said second transmitter after a first digital video broadcasting signal transmission burst has been received; first, examiner look in the specification for the description of "switching ... directly" but could not find support, neither applicant provided an explanation where is support in the specification, therefore for examination purposes switching directly is switching from the first transmitter to the second transmitter without switching to a third or in the middle transmitter and this taught by both Chen and Jonsson (see for example fig. 1e, in Jonsson); second the reasons that the applicant give to prove that Chen and Jonsson do not teach or suggest this limitation is because Chen needs additional data or indicator, and Jonsson necessitates a two way communication, it is noted that the features upon which applicant relies is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Applicant representative arguments that Malek does not disclose switching reception before a subsequent transmission burst, but fails to give reason why he believe that Malek is not showing the mentioned limitation; in the same part of Malek presented by the applicant teaches a handover between frames (transmission burst) and is after the completion of one frame a before the start of the consecutive frame, therefore the mentioned portion of Malek does disclose the above limitation.

5. Applicant representative arguments that Chen and Jonsson are not combinable because Jonsson is a two way system and Chen is a one way system is misplaced, both are two way system (see Chen col. 6, lines 33-36). And finally to the argument that maintaining the data quality lacks merit, both references are directed to handoff, the whole purpose of the handover is to maintain the quality of communication and an ordinary person skilled in the art would know that at the time of the invention, therefore they are analogous and combinable.

6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 9, 16, 21 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner could not find support for the limitation "switching reception from said first wireless transmitter directly to said second transmitter".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Chen US 6731936 B2.

As to claim 1, Jonsson discloses a method for receiving at a mobile terminal a signal formatted as a series of transmission bursts (see col. 8, lines 46-57), the signal provided by each of a plurality of wireless transmitters (see col. 9, lines 45-53), said method comprising the steps of: receiving a first signal broadcast by a first wireless transmitter (see col. 7, lines 20-48); if said first signal meets a first predefined criterion (see col. 10, lines 3-10), deriving signal data from a second signal broadcast by a second wireless transmitter (see col. 10, lines 11-15); and if said signal data from said second wireless transmitter meets a second predefined criterion, switching reception from said first wireless transmitter to said second wireless transmitter after a first signal transmission burst has been received (see col. 10, line 3 - col. 11, line 45) and switching reception directly to said second wireless transmitter (see fig. 1e). Jonsson does not specifically disclose that the broadcast data is video. In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add these teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claims 6, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55). Jonsson does not specifically disclose that the broadcast data is video. In an analogous art,

Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

12. Claims 24, 26, 28-29, 31, 33 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Chen US 6731936 B2 and further in view of Malek US 5822313A.

As to claim 24 and 33, Jonsson discloses a mobile terminal suitable for receiving information from a plurality of synchronized digital broadcasting wireless transmitters (see col. 2, lines 32-38), said mobile terminal comprising: a digital broadcast receiver configured to receive at least a first portion of the information as a first transmission burst, said first transmission burst broadcast by a first digital video broadcasting wireless transmitter (see col. 7, lines 20-48); a processor coupled to the digital broadcast receiver (see col. 7, lines 54-57), switch reception by the digital broadcast receiver from the first digital broadcasting wireless transmitter to a second digital video broadcasting wireless transmitter (see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose the type of data, buffer configured to store said first transmission burst and going a handover after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital video broadcasting wireless transmitters. In an analogous art, Malek discloses a buffer configured to store said first transmission burst;

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a mobile station executing a handover after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital broadcasting wireless transmitters (see col. 6, lines 31-35; col. 3, lines 56-67; col. 4, lines 10-14). In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64) and transmit a synchronized common signal (see col. 6, lines 65-66; col. 7, lines 46-50), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claims 26, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55). Jonsson does not specifically disclose that the broadcast data is video. In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claim 27, Jonsson discloses wherein the switching of said signal data from said second wireless transmitter meets a second predefined criterion, switching reception from said first wireless transmitter to said second wireless transmitter after a

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first signal transmission burst has been received (see col. 10, line 3 - col. 11, line 45).

In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claim 31, Jonsson discloses a digital broadcasting system comprising: a first digital broadcasting transmitter configured to broadcast information as a first plurality of consecutive transmission bursts (see col. 7, lines 20-48; col. 9, lines 45-53); a second digital video broadcasting transmitter configured to broadcast the information as a second plurality of consecutive transmission bursts in synchronization with the first plurality of consecutive transmission bursts (see col. 10, lines 11-15; col. 5, lines 40-49), and a receiver system configured to receive said information (see col. 5, line 56 – col. 6, line 1), said receiver further including a processor, and executable instructions executed by the processor (see col. 6, lines 15-24; 52-59 col. 8, lines 18-25), cause the processor to perform a hand-over from said first digital broadcasting transmitter to said second digital broadcasting transmitter upon receipt of a first transmission burst, if at least one predefined criterion has been met (see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose the video data, receiver system including a buffer configured to buffer said transmission bursts or handover prior to a consecutive transmission burst. In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. In an analogous

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art, Malek discloses a buffer configured to store said first transmission burst; a mobile station executing a handover after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital broadcasting wireless transmitters (see col. 6, lines 31-35; col. 3, lines 56-67; col. 4, lines 10-14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for enhanced management of system resources.

As to claims 28 and 29, Malek discloses the mobile terminal wherein the executable instructions are further for converting said first transmission burst in a data stream (see col. 4, lines 9-25).

As to claim 41, Malek discloses wherein the pluralities of transmitters are synchronized (see col. 2, lines 49-53).

As to claim 42, Malek discloses method wherein said step of selecting said second wireless transmitter for receiving the information is performed after receipt of a signal transmission burst from said first wireless transmitter, and prior to receipt of a consecutive signal transmission burst from said second wireless transmitter (see col. 6, lines 31-35).

13. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Chen US 6731936 B2 and further in view of Malek (U.S. Patent US005822313A) as applied to claims 3 and 4 above, and further in view of Ahopelto (U.S. Patent 5,970,059).

As to claim 3, Jonsson discloses everything claimed as explained above except for the step of stripping encapsulation from said first signal after receipt by the mobile station or the broadcast data is video. Ahopelto discloses the step of stripping encapsulation from said first signal after receipt by the mobile station (see col. 9, lines 28-30). In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching for the simple purpose of using the data.

As to claim 4, OFFICIAL NOTICE IS TAKEN THAT the use of several synchronized transmitters is a common and well-known technique used in several wireless communication standards such as GSM and TDMA. Also, the EN 301192 is a common and well-known standard. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use such standards in the Jonsson modified system for the simple reason of compatibility.

As to claim 5, Jonsson discloses a method further comprising the step of sending said first signal to an application processor for conversion (see col. 5, line 40 - col. 8, line 24), to a data packet (see col. 6, lines 13-28). In an analogous art, Chen discloses wherein the broadcast data is video (see col. 6, lines 61-64), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for improved network bandwidth management.

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14. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen and as applied to claim 1 above, and further in view of Nguyen (U.S. Patent 5,359,607).

As to claims 7-8, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

15. Claims 25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Chen and further in view of Malek (U.S. Patent US005822313A) as applied to claim 31 above, and further in view of Nguyen (U.S. Patent 5,359,607).

As to claims 25 and 34-35, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

16. Claims 21, 23, 36-38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Nguyen and further in view of Chen and Malek (U.S. Patent US005822313A).

As to claim 21, Jonsson discloses a method for receiving a series of signals provided by each of plurality of wireless transmitters (see col. 9, lines 45-53), said method comprising the steps of: selecting a first synchronized wireless transmitter from a plurality of synchronized wireless transmitters for providing information (see col. 9, lines 1-20), each said synchronized wireless transmitter broadcasting; receiving signals broadcast by the first synchronized wireless transmitter (see col. 7, lines 20-48); deriving a first quality rate for information received from said first wireless transmitter; if said first quality rate for said first wireless transmitter is greater than a predefined quality value, deriving a second quality rate for a second synchronized wireless transmitter; and if said second quality rate is less than said quality value, selecting said second synchronized wireless transmitter for providing the information (see col. 10, line 3 - col. 11, line 45) and switching reception directly to said second wireless transmitter (see fig. 1e). Jonsson does not specifically disclose synchronized wireless transmitter, that the quality rate is a bit error rate or the BTS on different frequencies. However, Jonsson discloses that he is using TDMA a system that uses synchronized wireless transmitter. In an analogous art, Chen discloses synchronous transmitters (see col. 7, lines 46-51), thereby permitting a soft handover. In another analogous art, Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14), thereby permitting to monitor the quality of the signal. In an analogous art,

Malek discloses using different frequencies for different base station (see col. 1, lines 58-63), thereby minimizing co-channel interference. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

As to claim 36, Jonsson discloses a method for receiving a series of signals provided in synchronization by each of first and second wireless transmitters, said method comprising the steps of: receiving signals broadcast synchronously by the first and second wireless transmitters (see col. 2, lines 32-38; col. 5, line 45-49), selecting the first wireless transmitter for receiving information broadcast in consecutive transmission bursts, (see col. 9, lines 1-20), each said synchronized wireless transmitter broadcasting; receiving signals broadcast by the first wireless transmitter (see col. 7, lines 20-48); deriving a first quality rate for information received from said first wireless transmitter; if said first quality rate for said first wireless transmitter is greater than a predefined quality value, deriving a second quality rate for a second synchronized wireless transmitter; and if said second quality rate is less than said quality value, selecting said second synchronized wireless transmitter for providing the information (see col. 10, line 3 - col. 11, line 45) and switching reception directly to said second wireless transmitter (see fig. 1e). Jonsson does not specifically disclose synchronized wireless transmitter, that the quality rate is a bit error rate or the BTS on different frequencies. However, Jonsson discloses that he is using TDMA a system that uses synchronized wireless transmitter. In an analogous art, Chen discloses synchronous transmitters (see col. 7, lines 46-51), thereby permitting a soft handover. Nguyen

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discloses where the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). In an analogous art, Malek discloses using different frequencies for different base station (see col. 1; lines 58-63), thereby minimizing co-channel interference. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

As to claims 23 and 38, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55).

As to claim 37, Malek discloses method wherein said step of selecting said second wireless transmitter for receiving the information is performed after receipt of a signal transmission burst from said first wireless transmitter, and prior to receipt of a consecutive signal transmission burst from said second wireless transmitter (see col. 6, lines 31-35).

As to claim 45, Malek discloses wherein the pluralities of transmitters are synchronized (see col. 2, lines 49-53).

17. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Nguyen and further in view of Chen and Malek as applied to claim 21 above, and further in view of Taketsugu (U.S. Patent US005420863A).

As to claim 22, Jonsson discloses everything claimed as explained above except for selecting a wireless transmitter between transmissions burst. In an analogous art, Taketsugu discloses selecting a wireless transmitter between transmissions burst (see

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col. 6, lines 41-56), thereby allowing a smooth transition between transmitters without losing or having to retransmit data. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for enhanced management of system resources.

18. Claims 9, 11-14, 16, 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen and further in view of Makinen (U.S. Patent 5,764,700).

As to claims 9, 12-14 and 16, Jonsson discloses a mobile terminal suitable for receiving information from a plurality of wireless transmitters, said mobile terminal comprising: a digital broadcast receiver for receiving at least a first portion of the information as a first transmission burst, said first transmission burst broadcast by a first wireless transmitter; and means for switching reception from the first wireless transmitter to a second wireless transmitter after reception of said first transmission burst has been completed (see col. 5, line 40 - col. 11, line 42) and switching reception directly to said second wireless transmitter (see fig. 1e). Jonsson does not specifically disclose synchronous transmitters or an elastic buffer in the receiver. However, Jonsson discloses that he is using TDMA a system that uses synchronized wireless transmitter. In an analogous art, Chen discloses synchronous transmitters (see col. 7, lines 46-51), thereby permitting a soft handover. In another analogous art, Makinen discloses an elastic buffer in the receiver (see col. 2, line 59 - col. 3, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson apparatus for a reliable reception of data even if the

timing are not precise.

Regarding claim 11, Jonsson discloses the mobile terminal further comprising means for deriving a received signal strength indicator value for said first transmission burst (see col. 10, lines 30-38).

As to claim 18, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55).

As to claim 39, Jonsson discloses wherein the receiver system comprises a mobile terminal (see col. 1, lines 5-8).

19. Claims 10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen and Makinen as applied to claims 9 and 16 above, and further in view of Nguyen (U.S. Patent 5,359,607).

As to claims 10 and 19-20, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

20. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen and Makinen as applied to claim 16 above, and further in view of Doshi (U.S. Patent 5,936,965).

As to claim 17, Jonsson discloses a transmitter and encapsulating a transmission burst as mentioned above. Doshi discloses a transmitter using more than one protocol (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for compatibility purposes.

21. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen US 6731936 B2 and further in view of Malek as applied to claim 31 above, and further in view of Doshi (U.S. Patent 5,936,965).

As to claim 32, Jonsson discloses a transmitter and encapsulating a transmission burst as mentioned above. Doshi discloses a transmitter using more than one protocol (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for compatibility purposes.

22. Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen further in view of Makinen as applied to claims 9 and 16 above, and further in view of Malek.

As to claim 40, Jonsson discloses the digital broadcasting system everything claimed as explained above except for wherein executing a hand-over from said first transmitter to said at least one other transmitter upon receipt of said transmission burst comprises completing the hand-over prior to a consecutive transmission burst transmitted by the synchronized first and other transmitters. In an analogous art, Malek discloses wherein executing a hand-over from said first transmitter to said at least one other transmitter upon receipt of said transmission burst comprises completing the

hand-over prior to a consecutive transmission burst transmitted by the synchronized first and other transmitters (see col. 6, lines 31-35; col. 3, lines 56-67; col. 4, lines 10-14).

As to claim 44, Malek discloses method wherein said step of selecting said second wireless transmitter for receiving the information is performed after receipt of a signal transmission burst from said first wireless transmitter, and prior to receipt of a consecutive signal transmission burst from said second wireless transmitter (see col. 6, lines 31-35).

23. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Chen and Makinen as applied to claim 14 above, and further in view of Lim (U.S. Patent US006766168B1).

As to claim 15, Jonsson discloses everything claimed as explained above except for the mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter. In an analogous art, Lim discloses a mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter (see col. 4, lines 23-39), thereby allowing the use of the Internet in the mobile device. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for enhanced features for the user.

24. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Chen US 6731936 B2 and further in view of Malek (U.S. Patent US005822313A) as applied to claim 24 above, and further in view of Lim (U.S. Patent US006766168B1).

As to claim 30, Jonsson discloses everything claimed as explained above except for the mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter. Lim discloses a mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter (see col. 4, lines 23-39), thereby allowing the use of the Internet in the mobile device. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for enhanced features for the user.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres
Examiner
Art Unit 2617


mlt


GEORGE ENG
SUPERVISORY PATENT EXAMINER